

REMARKS/ARGUMENTS

Claims 1-9 and 12-15 are currently pending in this application. In the Office Action mailed September 15, 2005, the Examiner has rejected 1-9 and 12-15. The Applicants wish to thank the Examiner for his careful consideration of this application. Claims 1-9 and 12-15 are rewritten upon entry of this paper and new claims 21-27 have been added. Applicants hereby request reconsideration and further examination.

Claims 1, 4, 6, 9, 11, 15, 17-18 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okado et al (2003/0091922) in view of Kotsugai et al. (2003/0224279) and Parker (5,890,033). In the rejection, the examiner states that the "Applicants use the term exercising or exercise cycle as a means of pre-imaging blending cycle for the toner and carrier is understood as a mixing or mix cycle to provide contact of toner and carrier. emphasis added. The examiner then goes on to state that "Okado et al. [0170] teaches that a mixture can be uniformly dispersed by means of an ordinary stirrer, the homomixer, a homogenizer and a clear mixer." The Applicants respectively disagree. The present invention does not describe an ordinary mixer or toner and carrier, as made clear in paragraph 14, lines 25-30, but rather an exerciser with sufficient energy (page 2, line 24) that uses a magnetic brush and a blender (see paragraphs 10, 11, and 18 of the detailed description) "breaks up" some amount of the toner-carrier attraction that occurs when the developer has set after mixing (page 2, line 22). One skilled in the art that Okado would not work as described in the present application.

Concerning Okado specifically, the examiner specifically calls out paragraph [0170], wherein the process of preparing a polymer toner in a chemical bath is described. This reference does not seem appropriate. Perhaps only the “stirring” with a blender part of the paragraph was referred to but that is clearly distinguishable from the present invention. The second specific reference the Examiner makes to Okado is to paragraph [0208] where an initial developer is prepared by mixing toner and carrier together. This is how two-part developer is created throughout the industry, but the present application does not refer to the creation of developer, only to what must be done with a magnetic toner and magnetic developer to achieve usability, from a set developed condition.


Similarly Kotsugai describes the use of specific surface treatment options in the preparation of a suitable carrier. The examiner calls out paragraph [0024] as showing that carrier particles contain ferrites. This is certainly true and is called out in the patent references, but, other than being half of the developer, it is not really relevant to the patentability of the present invention. Paragraph [0051] again repeats the existence of a ferrite core carrier. Paragraph [0125] indicates that toner and carrier are mixed together. As discussed above in reference to Okado, the fact that a two-part developer is used in the station is not directly relevant to the patentability of the present invention. In fact in Kotsugai’s paragraph [0035], Kotsugai specifically states that non-magnetic toner is preferable because several bad things happen if magnetic toner is mixed with magnetic developer, thus exempting magnetic toner from this treatment and teaching away from the present invention. It is specifically the occurrence of this densification that the present invention overcomes.

Finally, with respect to the other art cited, the Applicant respectfully submits that they do not provide sufficient objective motivation, for one of ordinary skill in the relevant art, to modify Okado in the manner attempted.

In conclusion, Applicants respectfully submit that claims 1-9, 12-15 and 21-27 are allowable in their present form, without a restriction, and hereby request such allowance.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225. *A duplicate copy of this communication is enclosed.*

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Amendments to the Drawings:

The attached sheets of formal drawings include changes to the Figures 1 and 2. This formal drawings are submitted herewith to replace the informal drawings Figs 1 and 2 submitted on September 23, 2003. Approval by the Examiner is respectfully requested.

Attachment:

Replacement Sheet of Figure 1

Replacement Sheet of Figure 2